

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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JOSE A. HERNANDEZ,	:	CASE NO. 1:06-CV-390
	:	
Petitioner,	:	
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. 1].
UNITED STATES OF AMERICA	:	
	:	
Respondent.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Jose Hernandez petitions this Court to correct the sentence imposed upon him for violating 8 U.S.C. §1326, re-entry following deportation. [Doc. [1](#)]. The Court referred this case to United States Magistrate Judge Gallas pursuant to Local Rule 72.2. [Doc. [4](#)]. On April 30, 2008, Magistrate Judge Gallas issued a report and recommendation recommending this Court deny the petition. [Doc. [12](#)]. Neither party has filed an objection. The Court **ADOPTS** the Magistrate's report and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)](#). Parties must file any objections to a Report and Recommendation within ten days of service. Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation. [FED. R. CIV. P. 72\(a\)](#); see [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947 (6th Cir. 1981). Absent objection, a district court may adopt the

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magistrate's report without review. Thomas, 474 U.S. at 149. Moreover, having conducted its own review of the parties' briefs on the issue, this Court agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court adopts in whole Magistrate Judge Gallas' findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **DENIES** the petition.

IT IS SO ORDERED.

Dated: July 7, 2008

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE